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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,059	03/29/2001	Srinivas Gutta	US010074	5339

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/821,059

Applicant(s)

GUTTA ET AL.

Examiner

Vivek Srivastava

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

As a preliminary note, Examiner Jamieson Fish is no longer the Examiner of record for the instant application.

### ***Response to Arguments***

*Applicants argue there is no disclosure or suggestion within Lawler for presenting visual indicia for selecting from any the personal channels on the display. Therefore, claims 1, 5 and 13 are believed to be allowable over the teachings of Lawler.*

The Examiner respectfully disagrees. Lawler teaches the broadly claimed visual indicia, i.e. personal preference and "Trailside: Make You.." which both presented and indicia indicating personal channels. It is noted that the indicia can be selected by a remote control for viewing of the personal channel and that control of generation of the visual indicia is based on past user selections made by a remote control (see col. 9 lines 12 – 49). As a result, Applicant's arguments are not persuasive.

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims **1-3, 5-7, 9-15, 17-18**, as amended, are rejected under 35 U.S.C. 102(b) as being anticipated by Lawler (U.S. #5,758,259)
2. Regarding claim **1**, Lawler teaches a television system comprising a display having an interactive interface for displaying a plurality of personal channels for a plurality of television viewers on said display (See Fig. 3B and Col. 4 lines 43-64, See Col. 7 lines 36-53, Col. 8 lines 45-50 The system identifies each of a plurality of viewers by a PIN and displays preferred programming (personal channel) for each particular viewer), said display presenting a visual indicia of each of the plurality of personal channels for allowing selection of one of the personal channels, said visual indicia being controllable by a remote control to invoke a personal channel featuring selective programs for an individual television viewer (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6 The user moves the cursor indication (shown as the thick border around "Trailside: Make You") to select content. Selectable content includes content in the personal preference row of the program grid. Each users' personal channel can be selected when it is displayed), said selective programs being programmed into said personal channel of said television system by at least one of the following techniques: through explicit information provided by the television viewer; through passive information, wherein the system observes what the television viewer is watching and automatically develops a profile (See Col. 2 lines 31-37); through collaborative filtering by observing what programs others a household of the television viewer have developed their personal channel (See Col. 9 lines 35-50); and through a combination

of all of the above. The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

3. Regarding claim 2, Lawler teaches wherein said remote control has means for scrolling about said display (See Fig. 3C, Fig. 4 directional control keypad 90 and Col. 4 lines 58-67 and Col. 5 lines 1-7).

4. Regarding claim 3, Lawler teaches wherein said remote control has means for controlling the splitting of the display (See Fig. 3C, Fig. 4 Action Button 91, Menu Button 93, and Col. 4 lines 58-67 and Col. 5 lines 1-51 Menu button or Action button activate the split display of Fig 3C).

5. Regarding claim 5, Lawler teaches a television system comprising a display having an interactive interface for displaying a visual indicia for a plurality of personal channels for a plurality of members in a household (See Fig. 3B and Col. 4 lines 43-64 and Col. 7 lines 35-53, Col. 8 lines 45-50 Figure 3B shows a visual indicia of a personal channel ("Personal Preference" cell) when a particular member of the household accesses personal content), said display being controllable by a remote control to invoke one of said personal channels featuring selective programs for each individual television viewer (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6 The user moves the cursor indication (shown as the thick border around "Trailside: Make You" ) to select content. Selectable content includes content in the personal preference row of the program grid. Each users' personal channel can be selected when it is displayed), said selective programs being programmed into said personal channel said television system by at least one of the following techniques: through explicit information provided

each television viewer; and through passive information wherein the system observes what each television viewer is watching and automatically develops a profile (See Col. 2 lines 31-37). The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

6. Regarding claim **6**, Lawler teaches wherein said remote control has means for scrolling about said display (See Fig. 3C, Fig. 4 directional control keypad 90 and Col. 4 lines 58-67 and Col. 5 lines 1-7).

7. Regarding claim **7**, Lawler teaches wherein said remote control has means for controlling the splitting of the display (See Fig. 3C, Fig. 4 Action Button 91, Menu Button 93, and Col. 4 lines 58-67 and Col. 5 lines 1-7 Menu Button or Action button activate the split display of Fig 3C).

8. Regarding claim **9**, Lawler teaches wherein said display is controlled by a computational processing element (See Fig. 2 and Col. 3 lines 62-67, Col. 4 lines 1-42).

9. Regarding claim **10**, Lawler teaches wherein said remote control has an actuating mechanism that allows selection of one of the visual indicia for the plurality of personal channels (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6).

10. Regarding claim **11**, Lawler teaches wherein said remote control has an actuating mechanism that allows selection of one of the visual indicia for the plurality of personal channels (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6).

11. Regarding claim **12**, Lawler teaches wherein said display is controlled by a computational processing element (See Fig. 2 and Col. 3 lines 62-67, Col. 4 lines 1-42).

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12. Regarding claim **13**, Lawler teaches a television system comprising: a display having an interactive interface that is capable of displaying a visual indicia for a plurality of personal channels (See Fig. 3B and Col. 4 lines 43-64 and Col. 7 lines 35-53, Col. 8 lines 45-50 Figure 3B shows a visual indicia of a personal channel ("Personal Preference" cell) when a particular member of the household accesses personal content), said display being controllable by a remote control to invoke one of said personal channels featuring a selective program for a individual television viewer (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6 The user moves the cursor indication (shown as the thick border around "Trailside: Make You" ) to select content. Selectable content includes content in the personal preference row of the program grid. Each users' personal channel can be selected when it is displayed), said selective program being programmed into said personal channel of said television system by at least one of the following techniques: through explicit information provided by each television viewer; and through passive information wherein the system observes what each television viewer is watching and automatically develops a profile (See Col. 8 lines 45-67, Col. 9 lines 1-38). The USPTO considers Applicant's "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

13. Regarding claim **14**, Lawler teaches wherein said remote control has means for scrolling about said display (See Fig. 3C, Fig. 4 directional control keypad 90 and Col. 4 lines 58-67 and Col. 5 lines 1-7).

14. Regarding claim **15**, Lawler teaches wherein said remote control has means for controlling the splitting of the display (See Fig. 3C, Fig. 4 Action Button 91, Menu Button 93, and Col. 4 lines 58-67 and Col. 5 lines 1-7 Menu Button or Action button activate the split display of Fig 3C).

15. Regarding claim **17**, Lawler teaches wherein said display is controlled by a computational processing element (See Fig. 2 and Col. 3 lines 62-67, Col. 4 lines 1-42).

16. Regarding claim **18**, Lawler teaches wherein said remote control has an actuating mechanism that allows selection of one of the visual indicia for the plurality of personal channels (See Fig. 3B, Fig. 4 and Col. 4 lines 43-67, Col. 5 lines 1-6).

### ***Claim Rejections - 35 USC § 103***

17. Claims **4**, **8**, and **16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler '259 in view of Lawler et al (US 5,699,107).

18. Regarding claims **4**, **8**, and **16**, Lawler '259 teaches wherein said remote control has means controlling various functions of the interactive station (See Fig. 3C, Fig. 4 directional control keypad 90, Action Button 91, and Col. 4 lines 17-26, 58-67 and Col. 5 lines 1-7). Lawler '259 does not specifically state that one of these functions is the recording of a television program. An interactive station with a function to record a television program is well known in the art as taught by Lawler '107 (See Fig. 2, Fig. 5 and Col. 10 lines 27-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to equip Lawler's ('259) interactive station with a



function that allowed a user to record a television program, thereby giving the remote control a means for controlling the recording of a program as taught by Lawler '107 to prevent a user from failing to view desired programming (See Lawler '107 Col. 1 lines 24-27).

Claims **19** and **20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Florin et al (US 5,621,456).

Regarding claims 19 and 20, Lawler fails to teach wherein the remote control is a voice recognition system.

In analogous art, Florin teaches a method and apparatus for audio visual interface for the display of multiple program categories. Florin teaches a user, can make programming selections by speaking commands into a speaker in a remote control by using voice recognition technology. Florin is evidence the use of voice recognition in a remote control would have been well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include the claimed voice recognition in a remote control for the benefit of enabling a user to speak commands in lieu of having or physically enter commands into a remote control.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs  
6/24/06



VIVEK SRIVASTAVA  
PRIMARY EXAMINER